

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-27 remain in the application. Claims 1, 2, 4, 13, 20, 22, 23, 24, 26, and 27 have been amended.

The amendments to the claims correct typographical errors and clarify certain language, and to address the matters raised by the Examiner as discussed hereinbelow.

The instant specification has been amended on page 5, line 8 to clarify that the commonly used term INIT means "initialization." INIT is commonly used in the computer programming industry to refer to initialization of a particular component/equipment or the initial data that is used to initialize or setup the data/equipment. This change is in accordance and consistent with the Examiner's statements in item 2 on page 2 of the above-identified Office Action.

In items 1 and 2 on page 2 of the above-identified Office Action, claims 2, 20, and 24 have been rejected under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner states that there is insufficient antecedent basis for the limitation "the group" in claims 2 and 20, and for the limitation "the inkjet cartridge data" in claim 24, and the term "INIT" is a relative term and indefinite as used in claim 4.

Claims 2 and 20, and 24 have been revised to recite --a group-
- and --inkjet cartridge data--, respectively, so that there is now sufficient antecedent basis for these limitations. Claim 4 as well as claims 13 and 27, although not rejected by the Examiner, have been revised to delete reference to "INIT", and the instant specification has been amended accordingly, as discussed above. However, it is noted that the term "the group consisting of" is standard language which is commonplace in U.S. patent practice and has been used for many years for a so-called Markush group. The Examiner should consult his supervisor in this regard.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. The above noted changes to the claims are provided solely for clarification or cosmetic reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim for any reason.

In item 4 on page 3 of the above-identified Office Action, claims 1-27 have been rejected as being unpatentable over Leon (U.S. 6,424,954) in view of Vu et al. (U.S. 6,557,104) (hereinafter "Vu") under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and, therefore, the claims have not been amended, except to address the informalities as discussed above, to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 calls for, *inter alia*, a mailing machine assembly, having:

a mailing machine including a controller, a security module connected to the controller, and a non-removable program memory operationally connected to the security module and configured to store an initialization program; and

a removable authorization device operationally connected to the mailing machine and configured to be interrogated by the mailing machine; and

the security module programmed to check whether authorization is present and for preventing an initialization of the mailing machine without authorization. (emphasis added)

The mailing machine according to the present invention is based on a closed system, having a base and a meter, a security module or PSD (Postal Security Device), with the base having a dedicated printer. The present invention provides a mailing machine which overcomes the deficiencies and disadvantages of the prior art devices and methods and has a ROM module with an initialization program, initialization data being introduced in a secure manner into the mailing machine via an externally accessible interface, so that unauthorized initializing is prevented. There is provided a secure method without the need to change the ROM module that permits authorized initialization.

Thus, according to the present the invention, there is provided a mailing machine assembly, having a mailing machine including a controller, a security module connected to the controller, and a non-removable program memory operationally connected to the security module and configured to store an initialization program; and a removable authorization device to be operationally connected to the mailing machine and

configured to be interrogated by the mailing machine; such that the security module is programmed to check whether authorization is present and for preventing an initialization of the mailing machine without proper authorization.

Leon discloses an open postage metering system (e.g., see Fig.1B) that includes a host PC 120, a secure meter device(SMD) 150, and a non-dedicated printer 170. A tamper evident enclosure houses the processor and security sensitive elements of the SMD. The printer is coupled to the SMD and is configured to receive and print indicia from the processor. Leon does not disclose a removable authorization device.

Vu discloses a method and apparatus for secure processing of cryptographic keys, in which a cryptographic key stored on a token is processed in a secure processor mode using a secure memory. Vu does not disclose a security module for checking and preventing an initialization of a mailing machine without authorization. Vu's disclosure relates to the field of computer security (International Class H04L 9/32), whereas the present invention and that of Leon relate to the field of postal meters (International Classes G07B 17/00 and G07B 17/60). The present invention and the prior art disclosures of Leon and Vu are distinctly different on their face as

evidenced by their respective international classifications. The disclosures of Leon and Vu are non-analogous and therefore, not properly combinable. There is no motivation or valid basis for combining Leon and Vu other than hindsight reconstruction of the prior art based on applicant's claimed invention.

Moreover, an open metering system (PC franking system) that would result from a combination of Leon and Vu would not meet the claim limitations.

The embodiment of Fig. 1A in Leon shows a postage metering system using on a closed metering system. Figs. 1A and 2A show a meter 110a having an integrated printer 152. The meter of the present invention is not similar to the meter 110a of the embodiments in Figs. 1A and 2A of Leon. A combination of the features of Vu and Leon results in a meter with an integrated printer in contrast to the present invention having a dedicated printer.

The present invention provides an initialization of a mailing machine, and not of the security module or PSD (Postal Security Device) as disclosed in Leon. Leon, as disclosed in cols. 12-13 and 26, Figs. 5a, 5b and 6b in particular,

discloses and teaches an initialization of the security module, not the mailing machine.

Clearly, the references do not show "a removable authorization device operationally connected to the mailing machine and configured to be interrogated by the mailing machine; and the security module programmed to check whether authorization is present and for preventing an initialization of the mailing machine without authorization" as recited in claim 1 of the instant application. Independent method claim 18 contains similar features.

Further, the Examiner's statements regarding dependent claims 2 and 3 on page 4 of the subject Office Action ("Leon further discloses: wherein said authorization device...") are contrary to and conflict with the Examiner's statements on page 3 of the Office Action that "Leon discloses the claimed invention except for a removable authorization device...."

Also, in contrast to claim 4, Leon does not disclose a PSD configured to check an authorization as recited in the claims.

Applicant respectfully submits that the Examiner's statements

on page 5 regarding claims 5, 6, and 7

("Leon...discloses...authorization device...") are contrary to and inconsistent with his statements on page 3 of the subject Office Action, where he states that "Leon discloses the claimed invention except for a removable authorization device."

Claims 24 and 26 have been revised to recite the features that the Examiner stated are not shown in Leon in clear positive functional steps. Thus, claim 24 recites "a data input sending the notification by the telepostage data center TDC including extra data stored in a non-volatile memory externally of the security module and including inkjet cartridge data" and claim 26 recites "providing data input of extra data including inkjet cartridge data and storing the data in a non-volatile memory externally of the security module." Neither of these limitations is disclosed in Leon as acknowledged by the Examiner.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1 or 18. Claims 1 and 18 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1 or 18.

Additionally, the features of at least dependent claims 24 and 26 are not shown in the prior art. Nor has the Examiner shown where the limitations of dependent claims 2-7 are clearly shown in the applied prior art.

In view of the foregoing, reconsideration and allowance of claims 1-27 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

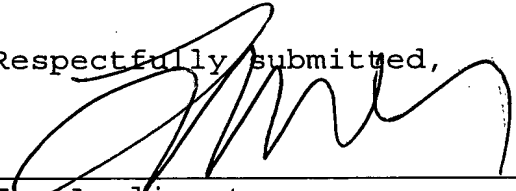
If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any other fees that might be due with respect to
Sections 1.16 and 1.17 to the Deposit Account of Lerner and
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Respectfully submitted,



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